

### **REMARKS**

The applicant respectfully requests reconsideration in view of the following remarks. Support for amended claim 1, in particular for homo- or heterocyclic rings Cy1 and Cy2 are additionally linked to one another via substituents and thus define a polycyclic, aliphatic or aromatic ring system. This is disclosed in paragraph [00221] of the published U.S. application (U.S. 2007/0082284). Compounds with linked rings Cy1 and Cy2 are disclosed as Example 55, Example 56 and Example 57 on page 20 of the U.S. publication.

Support for newly added claim 31 can be found in the original claim 1. Support for the definition of V can be found in paragraph no. [0029] of the published application. The applicant has added one independent claim. It is noted that the applicant has changed claim 29 to a dependent claim. Therefore, the applicant authorizes the USPTO to charge \$52.00 for the extra claim added over twenty. No new matter has been added.

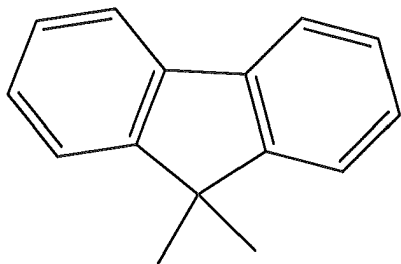
Claims 1-4, 6-17, 19, 20, 22 and 24-30 are pending in the application. Claim 20 remains withdrawn as being directed to non-elected invention. Claims 1-4, 6-17, 19, 22 and 24-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1-4, 6-17, 19, 22 and 24-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4, 6-17, 19, 22 and 24-30 are objected for containing non-elected subject matter. The applicant respectfully traverses these rejections.

The Examiner suggested possibly an interference with the claims of U.S. patent Nos. 7,569,692; 7,442,797; and 7,732,606.

### **Interview**

On June 16, 2011 the applicant conducted an in person interview. During the interview the Examiner and applicant discussed all rejections and objections. The applicant will consider amending the claims to overcome all rejections and objections. The applicant discussed amending the claims and in particular the definition of R where an aryl, aryloxy or heteroaryl

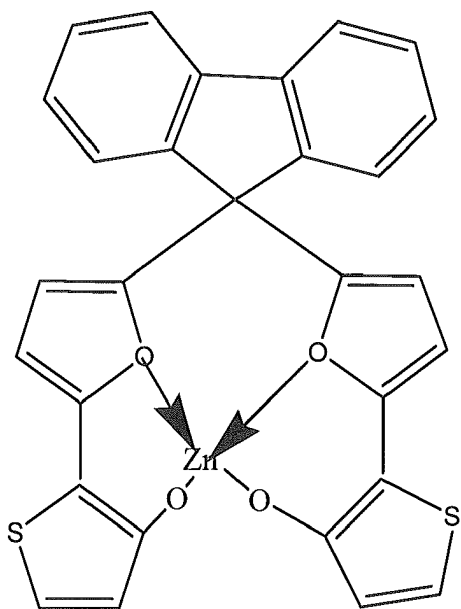
group **having 1** to 14 C atoms and changing it to have upto 14 C atoms since it is impossible to have aryl, aryloxy or heteroaryl group to have 1 carbon atom. The Examiner said that the claim is indefinite since the rings are not defined, in particular, the term "where a plurality of substituents R may define a further ring system". The Examiner had problems understanding how the applicant referred to the bridging group in the examples especially where the applicant stated that there were two identical ligands (indicated by having the number 2 outside the bracket) especially for example examples 34—36 and 49-54<sup>1</sup>. In these particular examples, the left bracket did not have the "V" bridge completely outside the left bracket. During the interview, the applicant pointed out that example 50 supports that plurality of substituents R defines mono- or polycyclic aliphatic or aromatic ring system. V (the bridging group) in example 50 is a CR<sub>2</sub> where the Rs define the ring system below:



Example 50 would be as follows:

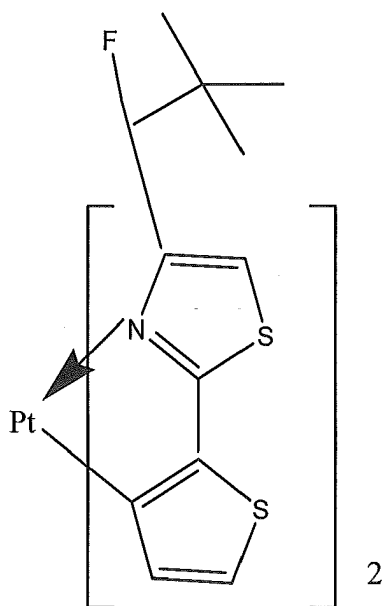
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<sup>1</sup> Not all of these examples were discussed in the interview.  
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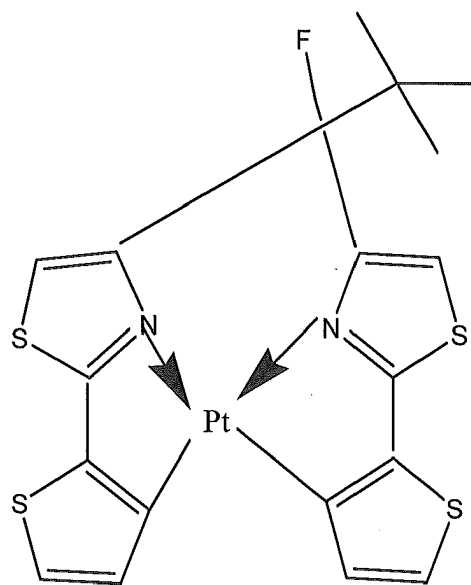


Example 49 would be as follows:

Example 49



Example 49

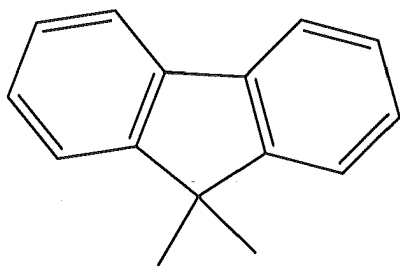


Again, the Examiner thought that the formulas were written incorrectly with respect to the bridging group. It was pointed out in the interview that examples 1-66 met the original definition of the claimed formula. [Paragraph no. [0082] of the published application confirms this]. The applicant believes that one of ordinary skill in the art would understand the applicant's nomenclature with respect to the bridge.

The applicant stated that they would review the Office Action again and come up with a way to amend the claims to overcome all rejections and objections. No agreement was reached.

**Claim Rejections 35 USC § 112**

Claims 1-4, 6-17, 19, 22 and 24-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that there is no written description for compounds where plurality of substituents R defines mono- or polycyclic aliphatic or aromatic ring system. The Examiner said it is indefinite since the rings are not defined (see page 4 of the office action). As stated in the interview, the applicant believes that example 50 supports that plurality of substituents R define mono- or polycyclic aliphatic or aromatic ring system. V is



For the above reasons, this rejection should be withdrawn.

**There should be no Interference Declared**

The applicant has four independent claims (claims 1, 20, 30 and 31).

**Claim 1**

The applicant's claim 1 requires that the homo- or heterocyclic rings Cyl and Cy2 are additionally linked to one another via substituents and thus define a polycyclic, aliphatic or aromatic ring system. This is disclosed in paragraph [00221] of the U.S. publication. Compounds with linked rings Cyl and Cy2 are disclosed as Example 55, Example 56 and Example 57 on page 20 of the U.S. publication.

Nii (U.S. 7,569,692 and U.S. Publication 2009/0174324) does not specifically claim any compounds wherein the cyclic rings Cyl and Cy2 are additionally linked to one another and one of the two rings bonds via a metal-carbon bond and the other via nitrogen.

Ise (U.S. 7,732,606 and U.S. Publication 2009/0309400) does not specifically claim any compounds wherein the cyclic rings Cyl and Cy2 are additionally linked to one another and one of the two rings bonds via a metal-carbon bond and the other via nitrogen.

Takasago discloses two compounds wherein the cyclic rings Cyl and Cy2 in only one ligand are additionally linked to one another (2<sup>nd</sup> compound in column 14 and last compound in column 16), but does not disclose any compounds wherein the cyclic groups Cyl and Cy2 in both partial ligands are additionally linked to one another. Therefore, the applicant believes that there is not interfering subject matter.

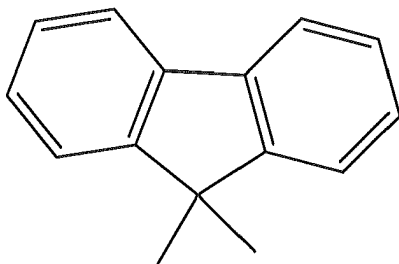
**Claim 30**

Claim 30 claims a conjugated partially conjugated and/or non-conjugated polymer or dendrimer. None of the claims of the Nii patent or publication, Ise patent or publication or Takasago claim a conjugated partially conjugated and/or non-conjugated polymer or dendrimer. Therefore, the applicant believes that there is not interfering subject matter.

**Claims 20 and 31**

Claims 20 and 31 define the bridging unit V as CR<sub>2</sub> and R is defined as in paragraph [0029], with the additional feature "where a plurality of substituents R defines in turn a further

mono- or polycyclic, aliphatic or aromatic ring system", which is also disclosed in paragraph [0029]. An example of a compound with these features is disclosed as Example 50 on page 19 of the U.S. publication. V is



Neither Nii, Ise nor Takasago specially disclose or claim a compound wherein the bridging unit V is  $CR_2$  and the groups R form a cyclic ring system with each other. Therefore, the applicant believes that there is not interfering subject matter.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

**A two month extension fee has been paid. The applicant authorizes the USPTO to charge \$52.00 for the extra claim added over twenty.** Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00003-US from which the undersigned is authorized to draw.

Dated: August 3, 2011

Respectfully submitted,

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